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Attorneys for Defendants
ACCREDO HEALTH GROUP, INC.,
MEDCO HEALTH SOLUTIONS, INC.,
SMITHS MEDICAL ASD, INC.
formerly known as
SMITHS MEDICAL MD, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

TAMARA MAYNARD, JOSEPH MAYNARD,) CASE NO. 3:09-cv-04564-JL
and SEAN MAYNARD,)
)
) (Removed from San Francisco County
Plaintiffs,) Superior Court - Case No. CGC-09-
vs.) 484970)

ACCREDITO THERAPEUTICS, INC.,) Assigned: Hon. Magistrate Judge
DELTEC, INC., and DOES 1 through 50,) James Larson
inclusive,) Department: Courtroom F, Fl. 15

Defendants.) **DEFENDANTS' AMENDED NOTICE**
) **OF MOTION FOR SANCTIONS FOR**
) **PLAINTIFFS' FAILURE TO APPEAR**
) **AT INITIAL CASE MANAGEMENT**
) **CONFERENCE**

**[Request for Sanctions in the Amount
of \$3,000 pursuant to F.R.C.P. 16(f)
and 28 U.S.C. § 1927]**

Action Filed: February 13, 2009

Date: March 3, 2010

Time: 9:30 a.m.

Ctrm: Courtroom F, Fl. 15

1 **TO THE COURT AND ALL PARTIES OF RECORD HEREIN:**

2 PLEASE TAKE NOTICE that on Wednesday, March 3, 2010 at **9:30 a.m.** in
 3 Courtroom F, 15th Floor, 450 Golden Gate Ave., San Francisco, CA 94102 Defendants
 4 Accredo Health Group, Inc., Medco Health Solutions, Inc., and Smiths Medical ASD,
 5 Inc. (hereinafter "Defendants") will move for the imposition of \$3,000 in sanctions
 6 against Plaintiffs and their Counsel for their failure to appear at the initial case
 7 management conference. This sum represents the costs and attorneys fees incurred
 8 by Defendants in relation to Defense counsel's appearance. **Counsel further**
 9 **requests permission to attend the hearing (should oral argument be permitted)**
 10 **via telephone.**

11
 12 DATED this 2nd day of February, 2010.

13 BOWMAN AND BROOKE LLP

14
 15 By: /s/Jenny A. Covington
 16 Jenny A. Covington
 17 California Bar No. 233625
 18 150 S. Fifth Street, Suite 3000
 19 Minneapolis, MN 55402
 20 Attorneys for Defendants
 21 ACCREDO HEALTH GROUP, INC.,
 22 MEDCO HEALTH SOLUTIONS, INC.,
 23 SMITHS MEDICAL ASD, INC. formerly
 24 known as SMITHS MEDICAL MD, INC.

25 Counsel for Defendants may appear by telephone. Counsel should contact Wings Hom, Courtroom
 26 Deputy at (415) 522-2046, to provide a telephone number. The Court will place the call.

27 DATED: February 10, 2010



CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on February 2, 2010 a true and correct copy of the foregoing was filed with the Clerk of the United States District Court for the Northern District using the CM/ECF system. All parties of record herein are registered with U.S.D.C. Northern District ECF, which will provide notice to the following counsel of record:

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Attorneys for Plaintiffs

/s/ Jenny A. Covington
Jenny A. Covington